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Attorneys for Defendant SHAFTER-WASCO  
GINNING COMPANY, INC.

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

ROCIO ADAME ARAUJO DE AGUILAR, )	CASE NO. CV-F 02-6527 REC LJO
et al., )	(consolidated cases)
Plaintiffs, )	
v. )	<b>STIPULATION OF THE MOVING AND</b>
NATIONAL RAILROAD PASSENGER )	<b>RESPONDING PARTIES RE</b>
CORPORATION, etc., et al., )	<b>CONTINUANCE OF THE HEARING ON</b>
Defendants. )	<b>MOTION FOR SUMMARY JUDGMENT</b>
_____ )	<b>OF SHAFTER-WASCO GINNING</b>
And Consolidated Actions. )	<b>COMPANY, INC.; ORDER</b>
_____ )	

COME NOW the moving and responding parties in the above entitled matter and hereby submit the following:

1. The hearing on defendant SHAFTER-WASCO GINNING COMPANY, INC.'s motion for summary judgment is currently scheduled for September 19, 2005, at 1:30 p.m.;
2. On August 26, 2005, moving party SHAFTER-WASCO GINNING COMPANY, INC., entered into a settlement of the case with the responding parties, subject to certain conditions:
  - a. A determination that the settlement was in good faith by either motion or stipulation.
  - b. Court approval of the minors' settlements;

c. Advisement as to how the total settlement amount of \$50,000 will be allocated among the plaintiffs.

3. It is anticipated that it will take a considerable amount of time to finalize the settlement, and the parties request a new hearing date on SHAFTER-WASCO GINNING COMPANY, INC.'s motion for summary judgment of at least sixty (60) days beyond the currently scheduled date of September 19, 2005, in the event that any of the settlement conditions are not satisfied.

4. This continuance will allow the responding parties to avoid the preparation and filing of an opposition to the motion for summary judgment as well as moving party's reply to the opposition, and hopefully allow the court to avoid a review and analysis of the moving and opposing papers.

5. There is currently a stipulation being circulated among the parties to continue the pretrial conference and trial dates to dates in early 2006.

IT IS SO STIPULATED.

DATED: August \_\_\_, 2005

MINEHAN, McFAUL & McLINN, LLP

By: /s/ Thomas P. Minehan

THOMAS P. MINEHAN, Attorneys for Defendant  
SHAFTER-WASCO GINNING COMPANY, INC.

DATED: August \_\_\_, 2005

MORENO, BECERRA, GUERRERO & CASILLAS

By: /s/ Gregory W. Moreno

GREGORY W. MORENO  
Attorneys for Plaintiffs

DATED: August \_\_\_, 2005

LAW OFFICES OF LUIS A. CARRILLO

By: /s/ Luis A. Carrillo

LUIS A. CARRILLO  
Attorneys for Plaintiffs

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DATED: August \_\_\_, 2005

MCNULTY LAW FIRM

By: /s/ Peter J. McNulty

PETER J. MCNULTY  
Attorneys for Plaintiffs

DATED: August \_\_\_, 2005

LAW OFFICES OF BRIAN A. OSBORNE

By: /s/ Brian A. Osborne

BRIAN A. OSBORNE  
Attorneys for Plaintiffs

**ORDER**

GOOD CAUSE APPEARING and the parties having stipulated,

IT IS HEREBY ORDERED that the motion for summary judgment of defendant  
SHAFTER-WASCO GINNING COMPANY, INC., is continued from September 19, 2005, to  
\_\_ November 7, 2005, at 1:30 p.m.

IT IS SO ORDERED.

Dated: August 31, 2005

/s/ ROBERT E. COYLE  
UNITED STATES DISTRICT COURT JUDGE

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA )

On August 31, 2005, I served the within **STIPULATION OF THE MOVING AND RESPONDING PARTIES RE CONTINUANCE OF THE HEARING ON MOTION FOR SUMMARY JUDGMENT OF SHAFTER-WASCO GINNING COMPANY, INC.; ORDER** on the persons interested in said action as follows:

X     **MAIL:** by placing a true copy thereof enclosed in a sealed envelope addressed as set forth above. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Santa Barbara, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. (C.C.P. 1013(a)).

**OVERNIGHT EXPRESS:** by placing a true copy thereof enclosed in a sealed overnight express envelope addressed to the person/persons set forth above, postage fully prepaid, and causing said envelope to be picked up at my offices by an agent of the overnight express company and delivered to the person/persons set forth above. (C.C.P. 1013(c)).

**FACSIMILE:** by use of the facsimile machine maintained at my offices (which number is 805/963-8272), I caused a true copy thereof to be telecopied at \_\_: \_\_ \_\_.m. to the person/persons at the facsimile number as set forth above. The facsimile machine I used complied with California Rules of Court, rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, rule 2008(e)(4), I caused the machine to print a transmission record, a copy of which is attached to this proof of service. (C.C.P. 1013(e)).

X **ELECTRONIC SERVICE:** by causing a true copy of such document to be electronically served on the parties listed below.

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed August 31, 2005, at Santa Barbara, California.

/s/ Kerry Gilligan  
Kerry Gilligan

*Aguilar v. National Railroad Passenger Corp., et al.*

U.S. District Court, Eastern District of California-Fresno Divn., Case No. CIV-F 02-6527

**SERVICE LIST**

<p>Peter J. McNulty, Esq. McNulty Law Firm 827 Moraga Drive Bel Air, CA 90049 310/471-2707; 310/472-7014 fax Attorneys for Plaintiffs Edith Rodriguez-Hernandez, Eloy Suarez-Rodriguez, by and through is Guardian ad Litem, Jesus Suarez, Ezequiel Suarez-Rodriguez, by and through is Guardian ad Litem, Jesus Suarez, Diana Suarez-Rodriguez, by and through is Guardian ad Litem, Jesus Suarez; Guadalupe Calderon; Francisco Suarez</p>	<p>Brian A. Osborne, Esq. Law Offices of Brian A. Osborne 674 County Square Dr., Ste. 310 Ventura, CA 93003 805/642-9283; 805/642-7054 fax Attorneys for Plaintiffs Mateo Romero, Rosa Romero, Benigno Rivera</p>	<p>David Lynn, Esq. Law Offices of David Lynn, APC 11500 W. Olympic Blvd., Ste. 400 Los Angeles, CA 90064 310/312-4513; 310/477-7808 fax Attorneys for Plaintiffs Carlos Munoz for Maria Ramirez and Benito Valdivia; Maria Torres for herself and as Guardian Ad Litem for Martin Zendejas and Alma Torres; and Maria Alarcon for herself and as Guardian Ad Litem for Marco Gonzalez and Juan Gonzalez</p>
<p>Luis A. Carrillo, Esq. Law Offices of Luis A. Carrillo 3500 W. Beverly Blvd. Montebello, CA 90640-1541 323/722-6298; 323/725-0350 fax Attorneys for Plaintiffs Ester Aguilar, individually and as successor-in-interest to the estates of Mario Aguilar and Benigno Aguilar; Concepcion Tolentino</p> <p><b>(Via US Mail)</b></p>	<p>Gregory W. Moreno, Esq. Arnoldo Casillas, Esq. Moreno, Becerra, Guerrero &amp; Casillas 3500 W. Beverly Blvd. Montebello, CA 90640-1541 323/725-0917; 323/725-0350 Attorneys for Plaintiffs Rocio Adame Alfaro, individually and as successor-in-interest to the estate of Benigno Aguilar, Lizbeth Aguilar Adame, a minor, by and through her guardian ad litem, Rocio Adame Alfaro, Claudia Munoz, individually and as successor-in-interest to the estate of Mario Munoz, Luis Mario Munoz, a minor, by and through his guardian ad litem, Claudia Munoz, Isais Sarabia; Paola Diaz Sarabia; Juan Jimenez; Maria Guadalupe Jimenez Diaz; Pedro Jimenez Diaz; Rocio Jimenez Diaz; Valeria Jimenez Diaz</p>	<p>B. Clyde Hutchinson, Esq. Erin Eileen Fry, Esq. Lombardi, Loper &amp; Conant, LLP Lake Merritt Plaza 1999 Harrison St., Ste. 2600 Oakland, CA 94612-3541 510/433-2600; 510/433-2699 fax Attorneys for Defendants National Railroad Passenger Corporation, Burlington Northern and Santa Fe Railway Company, Walter Ward and W.M. Dike</p>
<p>Dixon G. Kummer, Esq. Gattuso &amp; Kummer PO Box 2750 Bakersfield, CA 93303 661/324-2700; 661/324-2790 fax Attorneys for Defendant Palomo Farm Services</p>	<p>B.C. Barmann, Sr., County Counsel County of Kern, State of California Mark L. Nations, Chief Deputy-Litigation Jennifer L. Thurston, Deputy Administrative Center 1115 Truxtun Ave., 4th Floor Bakersfield, CA 93301 661/868-3800; 661/868-3805 fax</p>	<p>John W. Stevenson, Jr., Esq. John Stevenson and Associates 24 Greenway Plaza, Suite 750 Houston, TX 77046</p> <p><b>(Via US Mail)</b></p>